IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1933 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? 1 to 5 No : NO

RAVILAL NARBHERAM SONI

Versus

DENA BANK

Appearance:

1. Special Civil Application No. 1933 of 2001

MS PARUL P VASAVADA for Petitioner No. 1

GIRISH PATEL ASSOC for Petitioner No. 1

NOTICE SERVED BY DS for Respondent No. 1

MR KM PATEL for Respondent No. 2-3

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 10/05/2002

ORAL JUDGEMENT

1. RULE, service of which is waived by the learned counsel for the respondent.

2. It was fairly conceded that, after the application of the petitioner for taking the benefit of Voluntary Retirement Scheme of the respondent-Bank was made on 15.1.2001, the same was sought to be withdrawn on 15.2.2001. The respondent-Bank had, however, despite the application for withdrawal, accepted the original application dated 15.1.2001 and sought to retire the petitioner under the aforesaid Scheme. Before the petitioner could be relieved, he had obtained an interim injunction in this petition and he survives in service on that basis.

3. It is already held by an elaborate judgment in the cases against the same bank in Special Civil Application No.1024 of 2001 and allied matters that an applicant under the Voluntary Retirement Scheme can always withdraw the application before the same is accepted by the respondent-Bank and no other issues having been agitated, this petition is required to be allowed on the same reasoning adopted in the aforesaid judgment. Accordingly, this petition is allowed and Rule is made absolute declaring that the petitioner's original application dated 15.1.2001 under the Scheme of the respondent-Bank stood withdrawn and acceptance thereof by the Bank is hereby set aside. In the facts and circumstances, there shall be no order as to costs.

Sd/-

(D.H.Waghela, J.)

10.5.2002

(KMG Thilake)